

PATENT COOPERATION TREATY

From the
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

To: CAIRNS, James A. Cabot Corporation 157 Concord Road P.O.Box 7001 Billerica, MA 01821-7001 ETATS-UNIS D'AMERIQUE		PCT JAN 0 LAW DIRECTORATE GROUP WRITTEN OPINION DOCKETED IN MASTER DATA ON 1/20/98 FOR 5/13/98 BY 10. <i>deutsche</i> Date of mailing (day/month/year) 13. 01. 98	
Applicant's or agent's file reference 625163CIP		REPLY DUE	within 3 month(s) from the above date of mailing
International application no. PCT/US97/05276	International filing date (day/month/year) 25/03/1997	Priority date (day/month/year) 01/04/1996	
International Patent Classification (IPC) or both national classification and IPC B29B15/04			
Applicant CABOT CORPORATION			

1. This written opinion is the **first** drawn up by this International Preliminary Examining Authority.
2. This report contains indications relating to the following items:
 - I Basis of the opinion
 - II Priority
 - III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
 - IV Lack of unity of invention
 - V Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
 - VI Certain documents cited
 - VII Certain defects in the international application
 - VIII Certain observations on the international application
3. The applicant is hereby invited to reply to this opinion.

When? See the time limit indicated above. The applicant may, before the expiration of that time limit, request this Authority to grant an extension, see Rule 66.2(d).

How? By submitting a written reply, accompanied, where appropriate, by amendments, according to Rule 66.3. For the form and the language of the amendments, see Rules 66.8 and 66.9.

Also: For an additional opportunity to submit amendments, see Rule 66.4.
For the examiner's obligation to consider amendments and / or arguments, see Rule 66.4bis.
For an informal communication with the examiner, see Rule 66.6.

If no reply is filed, the international preliminary examination report will be established on the basis of this opinion.

4. The final date by which the international preliminary examination report must be established according to Rule 69.2 is: **01/08/1998**

Name and mailing address of the international preliminary examining authority European Patent Office D-80298 Munich Tel. (+49-89) 2399-0, Tx: 523656 epmu d Fax: (+49-89) 2399-4465	Authorized officer / Examiner Kofoed, J
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I. Basis of the opinion

1. This opinion has been drawn on the basis of (*substitute sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this opinion as "originally filed"*):

Description, pages:

1-106 as originally filed

Claims, No.:

1-113 as originally filed

Drawings, sheets:

1/30-30/30 as originally filed

2. The amendments have resulted in the cancellation of:

- the description, pages:
- the claims, Nos.:
- the drawings, sheets:

3. This opinion has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)):

4. Additional observations, if necessary:

III. Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non-obvious), or to be industrially applicable have not been and will not be examined in respect of:

- the entire international application,
- claims Nos. 2-113,

because:

- the said international application, or the said claims Nos. relate to the following subject matter which does not require an international preliminary examination (*specify*):

the description, claims or drawings (*indicate particular elements below*) or said claims Nos. 2-63,99-113 are so unclear that no meaningful opinion could be formed (*specify*):
see separate sheet

the claims, or said claims Nos. are so inadequately supported by the description that no meaningful opinion could be formed.

no international search report has been established for the said claims Nos. 64-98.

V. Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	1
Inventive step (IS)	Claims	
Industrial applicability (IA)	Claims	

2. Citations and explanations

see separate sheet

VII. Certain defects in the international application

The following defects in the form or contents of the international application have been noted:

see separate sheet

VIII. Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

see separate sheet

- 1). The application contains an excessive number of independent claims in the method, apparatus and product categories.
 - 1.1. Although claims 1,8,29,30,31,39,40,43,60,61,62,63 and 112 have been drafted as separate independent claims, they appear to relate in an overlapping manner more or less to the same subject-matter and to differ from each other only with regard to the definition of the subject-matter for which protection is sought. The aforementioned independent claims therefore substantially lack conciseness.

Moreover, substantial lack of clarity of the claims as a whole arises, since the plurality of independent claims makes it very difficult, if not impossible, to determine the matter for which protection is sought, and places an undue burden on others seeking to establish the extent of the protection.

Hence, the set of claims do not meet the requirements of Article 6 PCT.

- 1.2. In view of the nature of the above presented clarity (conciseness) objection it is not at present practicable to carry out a full examination of the application.

The applicant is therefore requested to file suitable amendments upon which the further prosecution of the application is to be based.

It would appear appropriate to file an amended set of claims defining the relevant subject-matter in terms of a single independent claim in each category (method apparatus and product) followed by dependent claims covering features which are merely optional (Rule 6.4 PCT).

- 2). The following comments can be made with respect to novelty and inventive step at the present stage, article 33(2-3) PCT.
 - 2.1. The document DE - A - 1 063 364 (from now onwards D1) is regarded as being relevant prior art to the subject-matter of claim 1 under examination.

2.2. D1 discloses a method of producing an elastomer composite, such as a car tire or the like, see column 4, line 11.

The D1 disclosure also clearly suggests feeding of a continuous flow of first fluid including elastomer latex and second fluid including particulate filler (substantially carbon black) to a mixing zone of a coagulum reactor, see e.g. column 2, lines 28-39 or column 3, lines 14-19. The two fluids are said to be subjected to energetic mixing (impingement or the like) in the coagulum reactor in D1, see e.g. the wording "starker Schlagewirkung" in claim 1 of D1.

It is self evident from D1 that the mixture is discharged from the mixing chamber at a discharge end after coagulation has been effected, see e.g. lines 35-39 in column 2 of D1. It is further self evident that the mixing chamber of D1 must be elongated to a certain degree to facilitate both mixing and subsequent coagulation.

2.3. It must be concluded that all aspects of claim 1 under examination are derivable from D1. Consequently, the requirements of article 33(2) PCT are not met.

3). The Independent claims on file are not in the two-part form in accordance with Rule 6.3(b) PCT.